

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

YUCHEN YANG, *on behalf of himself and others
similarly situated,*

Plaintiff,

v.

TAIJI ORIENTAL SPA NJ CORP., *et al.*,

Defendants.

Case No. 22cv1617 (EP) (JSA)

ORDER

THIS MATTER comes before the Court by way of Plaintiff Yuchen Yang's motion for conditional certification (D.E.s 46, 47). The Court has reviewed the parties' briefs, and for the reasons set forth in the Opinion filed herewith,

IT IS, on this 6th day of December, 2023;

ORDERED that Plaintiff's motion is **GRANTED**; and it is further

ORDERED that the Court authorizes notice as outlined in the Opinion and this Order; and it is further

ORDERED that the conditional certification of the collective action shall define the collective action as: all current and former non-exempt and non-managerial employees employed by Taiji Oriental Spa, Taiji Oriental Bodywork, and Zhang Taiji Spa at any time from March 22, 2019, to the date of the entry of this Order; and it is further

ORDERED that the language of the Notice of Pendency and Consent Form (D.E. 47-2) is approved subject to the following amendment: the notice section titled "What happens if I do nothing at all?" shall be changed to read "Statute of Limitations," and the corresponding text shall read:

Your decision not to join this case will not affect your right to bring a similar case on your own at a future time. However, claims under FLSA must be brought within two years of the date that the claim accrues, unless the employer's violation of the law was "willful," in which case the maximum statute of limitations of three years applies.

and it is further

ORDERED that within fifteen (15) days of the entry of this Order, Defendants shall provide Plaintiff with a Microsoft Excel data file ("Data File") of members of the collective action class that includes: (1) the employee's full name/nickname; (2) the employee's most recent known mailing address, phone number, e-mail address, and username for WhatsApp, WeChat, and/or Facebook; and (3) the employee's work locations, dates of employment, and positions; and it is further

ORDERED that use and possession of the information provided by Defendants in the Data File shall be used solely for the purpose of providing notice of this action to members of the collective action class; and it is further

ORDERED that within thirty (30) days of receipt of the Data File, Plaintiff's counsel shall send a copy of the Notice of Pendency and Consent Form via First Class U.S. Mail and e-mail; and it is further

ORDERED that Plaintiff's following proposed conditions of notice are **GRANTED**: (1) notices may be disseminated in English and the intended recipient's first language; (2) notice is allowed via physical mail (D.E. 47-2), e-mail (D.E. 47-5), and text/social media chat (D.E. 47-4); (3) within fifteen (15) days of the entry of this Order, Defendants shall post a copy of the approved FLSA notice in conspicuous locations at their Fair Lawn, Palisades Park, and Secaucus, New Jersey locations; and (4) Plaintiff may send a reminder via mail (D.E. 47-6), e-mail (D.E. 47-8), and

text/social media (D.E. 47-7) to all unresponsive members of the collective action class halfway through the notice period; and it is finally

ORDERED that to be considered timely filed, the consent form must be received and filed/date stamped by the Court no later than sixty (60) days after the date which the first FLSA notice is sent by Plaintiff's counsel.

Dated: December 6, 2023

A handwritten signature in black ink, appearing to read "Evelyn Padin", written over a horizontal line.

Evelyn Padin, U.S.D.J.